

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ACTUS, LLC

§

Plaintiff,

§

v.

CA No. 2:09-cv-102-TJW

BANK OF AMERICA CORP., ET AL.

§

Defendants.

§

**DEFENDANT WAL-MART STORES, INC.'S UNOPPOSED  
SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

COMES NOW Defendant Wal-Mart Stores, Inc. ("Wal-Mart"), without waiving any defenses or any matters that might be presented pursuant to FEDERAL RULE OF CIVIL PROCEDURE 12(b) or any other rule or law, and files this second unopposed motion for extension of time in which to answer or otherwise respond to Plaintiff Actus, LLC's Second Amended Complaint and would respectfully show the Court as follows:

Wal-Mart has requested and Plaintiff has agreed to a further 21-day extension of Wal-Mart's time to answer or otherwise respond to Plaintiff's Second Amended Complaint. Specifically, Wal-Mart requests, and Plaintiff does not oppose, an extension of time up to and including October 19, 2009.

A proposed Order granting this unopposed motion is attached hereto.

Respectfully submitted,



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COUNSEL FOR WAL-MART STORES, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this the 25<sup>TH</sup> day of September, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.



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Michael C. Smith